№7(31)
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The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna-96"



ELECTIONS WITHOUT RIGHT TO ELECT

The number of democratic changes, which have occurred in Belarus at the beginning of 90s, is decreasing. Local elections on 4 April, justifies this fact. They were held in accordance with a new Constitution, «adopted» at the so-called referendum of 1996 and under a new law on elections, ratified in 1998 by the illegitimate Lukashenka's Parliament. Under the «Constitution» local authorities' powers were come to nothing and under the «law on election» – the elections themselves were turned into their. There was a number of articles in our bulletin about numerous violations of human rights, which are stipulated in the «Constitution» and in the «law on elections». International communities, largest parties and movements in Belarus, famous political leaders have always paid attention to it. OSCE representatives and representative of other influential international organisations pointed out to the Belarusan authorities that human rights are violated in the law on elections. But the President and his team have remained firm. As a result, almost all political parties refused to participate in non-democratic elections. Among the representatives of so-called opposition parties, only communists were left in ballot-papers. Being tired of numerous limits and restrictions even liberal democrats, who are loyal to the President, announced their non-participation in the elections. That's why there was an unprecedented number of single-mandated (or non-alternative) districts, (their exact number is kept in secret, it's known that on the average 1.1 candidate aspired to a deputy's mandate).

There were some breaches in the election campaign as well. In the majority of districts information about the candidates appeared only a few days before the voting. According to the poll, about 80% of electorate went to the elections without having a slightest idea of the people who

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CHRONICLE

On 17 March, **Yu.Kastsiuka, member of the initiative group for foundation of the «Viasna-96» press-centre in Navapolatsk, was summoned to the Navapolatsk city prosecutor's office.**

On 23 March, **members of the Klimavichy district presidential election committee (Magileuskaya voblast) were summoned to the local prosecutor's office. Public prosecutor A. Katlyar gave them a warning.**

On 25 March, **Mikhail Bautovich, member of the Polatsk presidential election committee was summoned to the Polatsk city prosecutor's office, where he was officially warned by inspector A. Ausyuk for taking part in the activities of the committee.**

On 25 March, **Mikola Ermalaew and Victar Stukaw, members of the Polatsk based presidential election committee were summoned to the Polatsk city prosecutor's office and given some warning against administrative liability specified in art. 167.3 of the Administrative Code of the Republic of Belarus (violation of the law about elections).**

On 25 March, **Ivan Yanukovich received summons to appear in the Polatsk district prosecutor's office. Being a deputy of the Polatsk district presidential election committee, he was given a written warning against administrative liability specified in art. 167.3 of the Administrative Code of the Republic of Belarus (violation of the law about elections) signed by public prosecutor of Polatsk district, senior counsellor of Justice N.M. Nikulenka.**

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Arrests over again...

The only means of fighting used by the authorities against the opposition remains unchanged: persecution of dissidents.

«The Day of Belarus and Russia's unification» was celebrated at a high official level in the Belarusan capital city of Minsk on 2 April 1999. The rally and procession initiated by the Belarusan Association of Young Politicians (BAYP) against re-stationing nuclear weapons in Belarus took place in Minsk on that day.

Workers of the metropolitan plants and factories were brought to Yakub Kolas square in Minsk at 4.30 p.m. in order «to show their support to the idea of unification» (the day before all managers and directors of the plants were instructed to provide attendance by sending workers under pain of discharge from work). When the official celebration came to an end the members of the opposition began to gather on the square.

The municipality refused to give sanctions for holding an action of protest against re-stationing nuclear weapons in Belarus on Yakub Kolas square and only allowed to hold a rally on the square of Paris Commune near the Belarusan Ballet and Opera House. However, the people who gathered on Yakub Kolas square began to unfold slogans (written in Belarusan, Russian and English) with anti-nuclear contents paying no attention to the warnings made by the militia. Anatol Lyabedzka, deputy of the 13th Supreme Soviet and head of BAYP, addressed to the participants to head for the Opera and Ballet House - the place for holding the rally. The column of demonstrators started to make its way along the avenue of Frantsyk Skaryna.

An accident happened when the column was passing by near the circus: three people being under influence of alcohol attacked Lyavon Sadouski, participant of the anti-nuclear action, and tried to snatch the slogan out of his hands. The demonstrators handed the «rowdy» elements over to the militia which followed the column behind. Lyavon Sadouski, activist of BPF, sat into the militia car together with the detained in order to give evidence as a witness. However, it happened the other way round - L.Sadouski with the hooligans were delivered to the Internal Affairs Department of Central district. After having given his evidence a report was drawn up on him as a participant of the unauthorised procession.

20 people were arrested after the rally, among them some teenagers from 12 to 14 years old. Rychard Karostsik, for example, was detained at home in the evening: three militia cars came to pick him up. The arrested were taken to the Internal Affairs Department of Savetski district.

G. L. Kunina was severely beaten by the people in plainclothes who did not show their ID cards at the time of detention. In a grave condition she was taken to the special detention ward and after that to the №2 clinical hospital.

Maria, G.Kunina's daughter, addressed to the Human Rights Centre «Viasna-96» and said the following: «When the rally was over my mother, Kunina Galina Leanidauna, friends, Kharkina Svyatlana and Slyshkin Uladzimir, and I went home. As soon as we approached the bridge over the river Svislach, the red «Zhiguli» car pulled up next to us and the people in plainclothes got out of there and asked us to go with them. On our question who they were and why we were being detained they began only to drag us inside the car...» Kharkina Svyatlana said the following: «The people in plainclothes severely beat us while dragging us inside the car. Kunina Galina, Maria's mother, was pushed so she fell down hitting her head against the pavement and loosing consciousness. Then she was taken into the white «Zhiguli». Only after this the people in plainclothes showed their ID».

17 year old Tsimafei Dranchuk was hit on the face by the militia officer for refusing to be photographed in the Internal Affairs Department of Savetski district.

The teenagers were let go afterwards, but the other 11 participants were taken to the detention ward on Akrestsina street and stayed there until the trial which took place on Monday, 5 April. Three people were on hunger strike until their discharge from the detention ward.

On 5 April the court of Savetski district passed the verdict to impose a penalty on the following people: Anatol Lyabedzka (initiator of the action, head of BAYP, deputy of the 13th Supreme Soviet) was subject to a fine of 75 million Belarusan roubles (about USD 250); Lukoika Stanislaw, Slyshkin Uladzimir, Kaparykha Mikalai, Auramenka Anton, Rychard Karostsik - fine of 10 million Belarusan roubles each; Snapkouski Anatol- a 5-day sentence; Kharkina Svyatlana and Radkevich Uladzimir- warnings. Kunina Galina Leanidauna is being in the clinical hospital No 2 at the moment suffering from contusion of the brain.

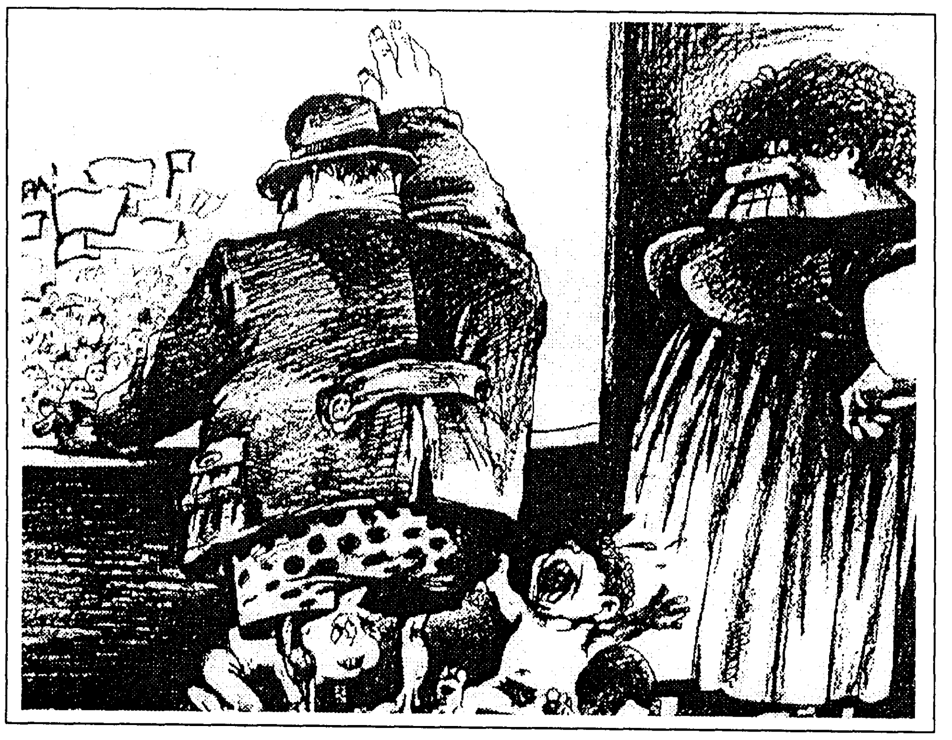
The information department of «Viasna-96»

Elections without right to elect

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were standing for in their district. The only trouble for the authorities was to bring the required percentage of people to the elections. Heads of certain enterprises, institutes, organisations under the order from above of the eve of the elections staged general meetings at which they threatened: somebody didn't go to the elections, he would be punished and prosecuted. An old joke: if you don't go to elections – you won't get a horse (hay) has become actual in Belarusan villages. In this connection one fact is significant: in one of the most opposition regions, in Grodna one, the number of people who came to elections was almost the highest. Why? Because there was the highest pressure on the electorate there: the days of the elections coincided with the Catholic Easter and the authorities were afraid that the Catholics would ignore it. Again, like at the last referendum, the system of preliminary voting had been used. By the way, not only those people who had «to somewhere urgently were allowed to vote, but all those who so desired. There was a complete democracy there.

The elections took place. Rather quietly, judging by radio and TV imperceptibly. The authorities have counted the percentage and announced their next victory over... their own people. «The vertical» (the above) has proved to be a power strong enough to influence (to be exact – to predetermine) the results of any similar «democratic» elections. It doesn't matter that independent observers didn't present at them as it common in the whole world (OSCE didn't send its representatives). It doesn't matter that Belarusan independent press points to numerous violations of human rights even at those quiet elections: the commissions rounded off the necessary percentage, falsifying the results of the elections; allowed the relatives to vote for the members of their families; they went from flat to flat with ballot-boxes and used all possible means to carry out the severe order from the above – to conduct the elections by no means. (It's significant, that in the places where democrats for the sake of experiment, sent their observers – in the town of Navapolatsk – the elections didn't take place. It makes no difference that the results of these elections in the democratic world are not to be recognised.



But the most important thing happened – the rehearsal of Lukashenka's elections for a new term had been a success. It's a mistake for Lukashenka to postpone the elections for the beginning of the next millennium. With such assistants and laws he shouldn't be afraid of anything.

Andrey NALIVA

Acquitting

The transparent «Pleshchanka's case» collapsed like a castle made of sand

The trial of Uladzimir Pleshchanka, one of the opposition leaders in Vitsebsk charged with dismantling of a Souvorov's bust, ended in the defendant's release from custody after almost eight months of his being in jail. During the hearings it turned out that the investigation couldn't come up with evidence proving Pleshchanka's taking part in the dismantling. And since unconvincing evidence is not evidence at all it's being pronounced by the prosecution witnesses provoked laughing in the court-room and even made the guard at the defendant's bench smile.

The trial is over but the investigation of the case is going on. U.Pleshchanka is released but the case of the disappearance of the Russian commander's bust was sent for reinvestigation. It leads to some deductions.

Firstly, even if the person's guilt is not just proved but is denied our courts are not eager to acquit him or her. Especially if the case is connected with political sphere (and even police officers who appeared in court seemed to understand what this case was).

Secondly, regardless of the fact that prosecution lost a lot of time and a number of legal procedures were carried out illogically and unlawfully it will continue to look for the «author» of the dismantling and is likely to find one as it «found» Pleshchanka last year.

Uladzimir Pleshchanka was in fact a hostage of the regime. Vitsebsk «vertical presidential line» and local chiefs might have expected the legendary Miron to stop hanging out flags and, on the whole, local political opponents of the regime to stop their politically motivated assemblies. But it didn't happen. While U.Pleshchanka was in custody the mysterious and not won Miron marched around the country. National flags were flying even above administrative buildings in Minsk and Vitsebsk. On the Freedom Day's Eve after which the trial was to take place, Miron left a flag and a traditional note on a 35 metres' electricity transmission bearing. «The existence of political prisoners in my country proves ones again the anti-Belarusan policy of the regime. Freedom to Uladzimir Pleshchanka!» – Miron wrote.

The fact that the case was not closed should inspire fear in people who cannot put up with the anti-Belarusan regime and cannot remain silent. In this way Vitsebsk opposition activists were shown that until the case exists they are «between freedom and prison».

Participants of the trial

The case of dismantling of the bust was tried in the Court of the Kastrychnitski District of Vitsebsk. It was headed by Alexander Abashyn. Having looked through the numerous cases of the members of the BPF council «Vybar» in Vitsebsk from previous years I noticed it is not the first time Alexander Victaravich has met with Uladzimir Pleshchanka in court. Neither it is not the first time he has met «Vybar». Once the judge happened to fine Pleshchanka and another time – his friend Yuras Karpaw. They were fined for taking part in street demonstrations. Then the ,name of Alexander Abashyn disappears from the judgements of trials of BPF members. They become permanent clients of Abashyn's collegues.

The prosecution in the trial was presented by Victar Paulukevich, the deputy public prosecutor of the Kastrichnitsky District. U.Pleshchanka was defended by Uladzimir Shaikevich. Ales Byalatsky and Valyantsin Stefanovich, «Viasna-96», acted as public defenders. The claim of the defence to try the case after replacing custody by the written undertaking not to leave the city wasn't satisfied until the very last day of the trial, when the evidence collapsed like machinations of an inexperienced card-sharper. What was the reason for holding the «Vybar» leader in custody, in the unhealthy conditions of a custody centre? From the point of view of an ordinary logic it is too difficult to understand.

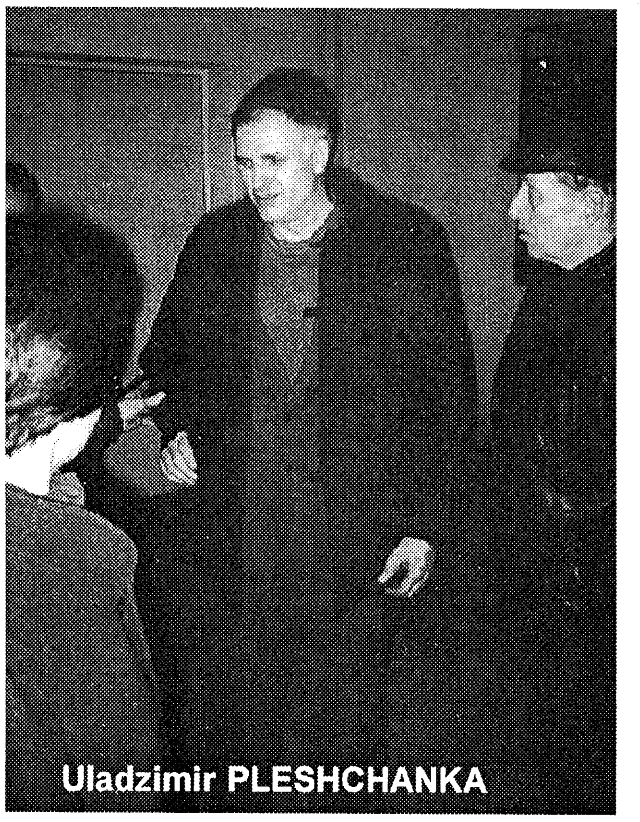
But it can be understood why the authorities were afraid of making too much stir over the trial in Vitsebsk. They prohibited photographs of Uladzimir Pleshchanka in breaks during the trial when the reporter from «Vitsebski Courier» made an attempt to take some pictures first between sittings and then outdoors (the defendant was walking to the prison van in his hand-cuffs) the ward took his camera and the film without any explanation... It seems to me that even the court-room for the trial of U.Pleshchanka was specially chosen: the defendant's box was situated not in front of the public but in the back of the room. Maybe other court-rooms were occupied or somebody wanted the defendant to get less support from the public, especially from his friends?

The first sitting took place on March 14 but ended in a surprise. The defendant hadn't been given opportunity to get acquainted with the materials of the case. Naturally, it is entirely illegal. The trial had to «restart» on March 26...

Whom and what do Vitsebsk citizens respect?

We offer some information on the Souvorov bust, provided by Valyantsina Kuntzevitch, the chief specialist of the Culture Department of the City executive committee. She was invited to the trial as an expert witness.

The bust of Souvorov was erected in 1952 (Stalin was still ruling). The sculptor Smalyakow created the monument. In 1987 the monument was taken under the protection of the state as a monument of historical value. In 1992 in the independent Belarus the law «About the protection of cultural historical inheritance» was passed. In accordance with this law the monument lost its status. Ms. Kuntzevitch said that the scientific-historical council (whose members are architects, sculptors, members of the Belarusan Academy of Sciences) is entitled to give this or that monument the status of a historical value. She also admitted that the question of giving the monument such status hadn't been arisen in the city executive committee for the last year.



Uladzimir PLESHCHANKA

The expert didn't take responsibility of estimating the artistic qualities of the monument but had to admit it didn't have material value. In all the documents it was mentioned as a monument made of gypsum.

By the way, the event after which Pleshchanka was taken into custody is not the first incident with monuments in Vitsebsk.

And monuments to people who played part of «integrators» in the history of our and other nations. Local people remember that in the second half of the 1990s somebody removed the head of a monument to Lenin in front of an administrative building. They also remember the removal of the monument to Bagdan Khmelnitski from the street named after him. Nothing special or unusual happened. Nobody was detained or imprisoned – the events were given attention. Only Souvorov is highly respected in Belarus. Maybe, he complies with the character of our «integration process with Russia» in the best possible way...

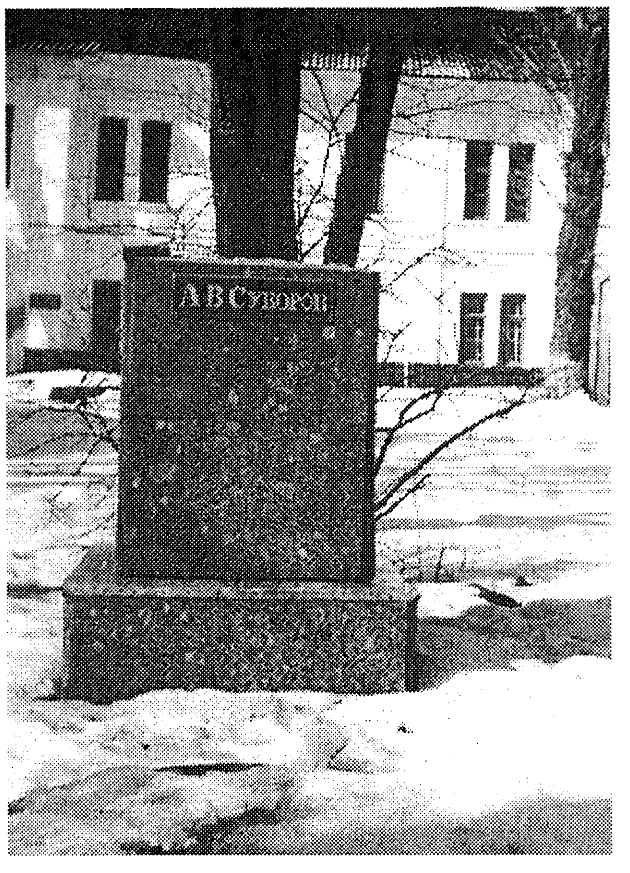
«The case is far-fetched...»

Uladzimir Pleshchanka was charged with the crimes described in Articles 201 (p.2) and 225 (p.2) – «hooliganism» and «damaging historical value». Both are «malicious» crimes.

Pleshchanka denied the charges. «Charge against me are far-fetched with artificially made evidence», – he declared. To the question whether he trusted the court Pleshchanka answered: «I don't care what court is going to hear my case, as there is no independent court

(To be continued on p.p. 4-5)

Acquitting



(beginning on p.3)

in Belarus. The most important is publicity...» According to the defendant's words if he had anything to do with the case or with the removal of the monument it was not its practical dismantling. He had addressed the public earlier several times in independent press and leaflets with the statement that it was disgraceful to keep memories of the «man, who deprived Belarus of independence». Now the leader of the Vitsebsk council of BPF «Vybar» cannot refuse the possibility of someone's carrying out his ideas.

First, except the expert from the City executive committee mentioned above there were some more people called into court – only the police officers Zablotski, Kavalewski, Damakur. On the request of Pleshchanka and his defender two more people – Yuras Karpaw and Barys Khamaida (the chief of the police met three of them that night) were included on the list of witnesses.

Now let's have a look at the events with the eyes of their immediate participants.

«Fateful» night

In the night on August 31 last year Uladzimir Pleshchanka came to Vitsebsk on his personal business. As he declared in court and during the investigation this business had no connection with the tried case. In the night Pleshchanka went to distribute opposition press and leaflets saying that the presidential term of office of Lukashenka would end in summer. He did it at night because he knew from his experience it could be dangerous daylight. Barys Khamaida was with the defendant.

Genadz Zablotski, a witness, testified that late at night on August 31 walking around the city he met a man with a drunk woman. He decided to follow them to see nothing would happen to them. Mr.Zablotski, unnoticed, went after the strange couple, but local opposition, as usual, interfered in his walk. Suddenly 3 people just came up to him and he recognised members of «Vybar» - Barys Khamaida, Yuras Karpaw and Uladzimir Pleshchanka.

«I realised hat they didn't just chance to be there,» – G.Zablotski shared his impressions with the court. Meanwhile, he continued, Mr. Karpaw quickly said good bye to his companions and turned to another street. «What are you doing there?» – asked the chief deputy head of the Kastrychnitski District Police Department. «Drawing on the walls,» – was the answer. (Other policemen-witnesses stated, that the answer was «hanging out flags»). Genadz Zablotski took those words seriously and even didn't pay attention to the tone in which they had been said. He «searched their pockets» right there. In court Mr. Zablotski explained his attention by the fact that writings on the walls in his district had really appeared before.

Not having found anything suspicious the policeman did not calm down and brought the citizens to the police station. The most interesting thing was that he didn't just take them to the police station but ordered to search them again.

Further the testimonies of Zablotski and Pleshchanka disperse. Pleshchanka affirms that when he and Khamaida approached his car they saw the deputy head of the Kastrychnitski District Police Department stirring in the car which had been locked. He, in his turn, claims that Pleshchanka voluntarily opened the car on his, Zablotski's request. He found folded newspapers and empty paint spray tubes wrapped in them.

Soon after they broke up. About five o'clock in the morning passing by the monument Mr. Zablotski discovered it had vanished. Later in the morning he reports on the absence of the monument to his governing body and goes on to a holiday. But Pleshchanka says he saw Zablotski at about midday near the place of the monument with the group investigating the case. Zablotski denies that.

Mysteries of Souvorov Street

The court couldn't clear out one more fact, or, to be exact, the time of the conversation taken place between officers on duty from the police station and the military registration and enlistment office (building 28 and 30 in Souvorov Str.) According to Zablotski words it took place after five o'clock in the morning on September 1, but the investigation' statements fix another time – 3.20 a.m. How officers on duty could discuss the disappearance of the bust 1 hour and 20 minutes earlier than it actually took place remains unclear.

The further – the more. In the morning of September 1 experts examine the area around the base and find a footprint of a rubber boot and a button. They don't include any peculiarities or features of the print on the statement and write only thing about the button – that «it is dark». Damakur, a witness, affirms that the colour was something like «brown and white». The investigating group doesn't do anything all the day and in the evening visits Pleshchanka in the village Varony (they explain they didn't find the first suspect in Vitsebsk). Later those police officers will give muddled evidence and the data information provided by them will only give reasons to Pleshchanka lawyer to point at numerous violations of the Criminal Code. They took rubber boots for examination. One of the witnesses says it was only one pair of rubber in the house, another one – that they chose the newest ones and judging by them the boots had been just taken off. They also took a jacket. One witness says he didn't see where it was taken from, another one claims it was taken from the peg and U.Pleshchanka himself affirms he was wearing it. Another «strong peculiarity of the investigation» is that even though the seizure of the evidence takes place in Varony the statement is composed in Vitsebsk, in Damakur's office: the reason is that they didn't take paper, pens and so on... Correspondingly, the witnesses were police officers –people who seize thing for examination and that is why interested in the contents of the statement. Moreover, the witnesses turned out to have signed the statement at least 2 and a half days after it was composed. About 12 o'clock on September 4 U.Shaikevich the lawyer who was reading the materials admitted the absence of the signatures. There is a written declaration of this fact in the case' materials stating such a violation by the police itself. Another violation is Damakur's carrying out searches in the houses of Khamaida and Karmanaw (on September 2), though the investigation group was already composed and Damakur wasn't included. Nevertheless he visits possible accomplices of Pleshchanka and tries to find compromising material. During the trial the police officer complained of B.Khamaida's cursing. «Why wasn't it stated in the minutes?» – the defender asked. «Why? I stated in the end that he didn't agree with our actions...»

Out of all mysterious peculiarities of this investigation there are two very piquant questions. The first one: it is stated that the monument's weight is 316 kg. How could 50-year old man carry such a burden if doctors forbade him to carry more than 16 kg? The accused himself noticed that it was

possibly of Zablotski's power to curry the monument of such kind himself. That's why the court's question should be directed to Mr. Zablotski. U.Pleshchanka by his question to Zablotski: «You are Miron, aren't you?», – frightened him in earnest. Because Zablotski had dreamed of a mandate of the deputy of the city council...

The second question is the evidence. First of all – the jacket. Having examined the jacket brought by Damakur the experts stated the absence of two buttons. Police officers say only one was lacking. Pleshchanka claims there were and are all the buttons. We have already mentioned mess with the colour.

Then – boots. Those, which footprint is not defined or described anyhow. If one compared the evidence provided by all the witnesses he would have an impression that each of them have brought one or two and then tried them all. First, the boots were «new» then they «had damages», they also have the tendency to change their colour. The size doesn't agree either. The logic of Mr. Zablotski is just «irrefutable»! Their actions are «precise!» It is clear even for a person who has no connection with legal matters. In fact, Mr. Zablotski was an «eye-witness» in the legal action against the leader of Vitsesk opposition. Because of his words U.Pleshchanka was detained.

Colonel Zablotski proved the political nature of this case. Answering the question by Ales Byalatsky about his attitude towards BPF and its members he said exactly the following: «As soon as members of BPF appear in our district we detain them, take them to the police station, draw up reports and direct the cases to court». Sipcere and detailed answer, colonel!..

Instead of postface

«No state will keep monuments to such invaders as Souvorov is for Belarus. Only occupational law-enforcing authorities would do it and keep on bringing legal actions against citizens in accordance with similar Articles as mine». This is the judgement of Pleshchanka himself on the matter of the case. He pronounced these words at the trial. Now he is free but doesn't have the right to leave the country. The trial is over but «Souvorov's case» is not likely to end soon.

Yana ZHDANOVICH

P.S. While this material was being prepared for publication we were informed about U.Pleshchanka's next in turn detention again with B.Khamaida distributing the newspaper «Vybar» and our newspaper. The reason for their detention was the sign «Independent Press» on the chest of B.Khamaida. now they are charged with organising unauthorised meeting. The civil case of B.Khamaida and U.Pleshchanka is directed straight to the regional court.

« Pleaded not guilty...»

CONFIRMED BY
Prosecutor of Kastrychnitski district,
City of Vitsebsk
Jurist of the 1 class
Gatsila A.E.
"" "" December 1998

BILL OF INDICTMENT
On criminal case No 198982 charging citizen Pleshchanka Uladzimir Rygoravich with the crime specified in art. 201 (p.2) and art. 225 (p.2) of the Criminal Code of the Republic of Belarus.

This legal action was brought against U. Pleshchanka by the department of culture of the Vitsebsk City Executive Committee.

The investigation into the case showed that accused U.R.Pleshchanka had not been tried in court before, had not been registered at psychiatrist's, was characterised satisfactorily from the place of residence.

On the basis of the gathered evidence it was well established that at night on 1 September 1998 Pleshchanka Uladzimir Rygoravich, born in 1948, together with some unidentified by the investigation persons were in the public garden situated in front of Vitsebsk City Military Registration and Enlistment Office (28 Souvorov street) and deliberately, with flagrant violation of the peace, public disrespect and elements of brutality knocked down the bust of general Souvorov from the pedestal, which is considered to be a historical monument protected by the state, and dropped it afterwards in the yard of the house No 22 situated on Souvorov street, Vitsebsk city.

By doing so, Pleshchanka U.R. committed the crime specified in art. 201.2 of the Criminal Code of the RB.

At night on 1 September 1998 he also together with some unidentified by the investigation persons while being in the public garden in front of Vitsebsk City Military Registration and Enlistment Office situated on 28 Souvorov street and committed unlawful and hooligan actions by knocking down the bust of A.V.Souvorov from the pedestal and deliberately destroyed it.

By doing so, Pleshchanka U.R. committed the crime specified in art. 225.2 of the CC of the RB.

Being detained and questioned as the accused, U.R.Pleshchanka pleaded not guilty and refused to give evidence.

Witness Zablotski Genadz Alyaksandravich during questioning testified that on 1 September 1998 at 3 a.m. he left the premises of the Internal Affairs Department of Kastrychnitski district, Vitsebsk city, and came across Pleshchanka U.R., Khamaida B.F., Karpaw Y.V. Then at about 5 a.m. he left the building of the Internal Affairs Department and noticed that there was no bust of A.V.Souvorov on the pedestal which was situated opposite the Vitsebsk City Military Registration and Enlistment Office on 28 Souvorov street. Pleshchanka was dressed in a light-coloured jacket and wore rubber boots.

Witness Kavalewski Syargei Ivanavich during questioning testified that on 2 September 1998 he took part in confiscating a jacket and a pair of rubber boots in village Varony of Vitsebsk district. Pleshchanka U.R. claimed that these boots belonged to him.

Witness Kuntsevich Valyantsina Matsveeuna during questioning testified that the monument to A.V. Souvorov was a historical monument and therefore protected by the state.

Witness Damakur Syargei Alyaksandravich during questioning testified that on 2 September 1998 he confiscated from Pleshchanka's house (village Varony, Vitsebsk district) the jacket and the rubber boots. Pleshchanka claimed the boots to be his own.

Pleshchanka's guilt is also proved by the materials of indictment: the suit (p.c.2), the report (p.c.4), the record (p.c.10 – 15), certificate (p.c.8), the suit (p.c.9), the record (p.c. 45 – 46, 47 – 48), the resolution, the record (p.c.57), the resolution (p.c.65 – 75), the record of search and evidence (p.c.86 – 87) and some other materials of the case in common and in correlation.

On the basis of what has been stated above

INDICTED:
PLESHCHANKA
ULADZIMIR RYGORAVICH

DOB 25.11.48, resident of village Varony, Vitsebsk district, citizen of the Republic of Belarus, with university education, married, correspondent of newspaper «Vybar» («Choice»), army reservist, untried in court before,

for he together with some unidentified by the investigation persons while being at night on 1 September 1998 in the public garden opposite Vitsebsk City Military Registration and Enlistment Office situated on 28 Souvorov street deliberately, with flagrant violation of social order, public disrespect and elements of brutality knocked down the bust of general A.V.Souvorau from the pedestal, which is being a history monument protected by the state, and got rid of it in the yard of the house No 22 situated on Souvorov street, Vitsebsk city.

By doing so, Pleshchanka U.R. committed the crime specified in art. 201.2 of the Criminal Code of the RB, which means malicious hooliganism, manifested in deliberate actions violating flagrantly social order and showing total public disrespect with elements of cruelty.

Together with some unidentified by the investigation persons he also while being at night on 1 September 1998 in the public garden opposite Vitsebsk City Military Registration and Enlistment Office situated on 28 Souvorov street committed unlawful actions by means of knocking down the bust of A.V.Souvorov from the pedestal and destroying it afterwards.

By doing so, Pleshchanka U.R. committed the crime specified in art. 225.2 of the Criminal Code of the RB, which means causing deliberate damage to cultural and historical monuments, protected by the state.

The Bill of Indictment has been drawn up in Vitsebsk City on 02.12.98 and according to art. 207 of the Criminal Code of the RB is being submitted to the public prosecutor of Kastrychnitski district, Vitsebsk City for approval and prosecution.

Senior investigator of the investigation department Internal Affairs Department of Kastrychnitski district, Vitsebsk city, Ginko S.E.

«APROVED»

Head of the investigation department Internal Affairs Department of Kastrychnitski district, Vitsebsk city, Afanasiew L.I.

Events Facts Comments

(beginning on p.1)

On 25 March, Zmitser Salawiow, activist of the initiative group for foun-dation of the «Viasna-96» press-centre in Navapo-latsk, was called to the Head of Polatsk State University where he was a post-graduate student. The Rector warned him against expulsion from the university provided that he continued his political activity and to take part in the presidential election cam-paign.

On 29 March, the Polatsk district prosecutor's office gave a warning to Andrei Savastsenak, member of the local presidential election committee. In his appeal to the «Viasna-96» press-centre A.Savastsenak said: «I would like to draw your attention to the fact that there was no any registration number written on the document. I was told by deputy prosecutor L.Zaenka that the document had not been registered at the prosecutor's office. L.Zaenka refused to give comments on who stood behind the check-up on observing the law about elections carried out by the prosecutor's office»

On 29 March, Mikalai Sharakhan, member of the Polatsk based presidential election committee was summoned to the local prosecutor's office where he was given a written warning for taking part in the work of the committee under the signature of senior counsellor of Justice of Polatsk city A.M. Kucharenka.

In March, Pavel Burdyka, head of the Polatsk district presidential election committee (Vitsebskaya voblast) was summoned to the prosecutor's office several times.

On 29 March, all members of the Masty district presidential election committee were summoned to the Masty prosecutor's office (Grodna region). They were asked to give explanations concerning their activity and warned afterwards.

On 1 April, five militiamen headed by colonel Garkavy came to the office of public organisation «Civil initiatives» under the pretence that there were some drugs and weapons kept on the premises. The office was searched in the presence of witnesses.

On 1 April, A.Maroz and V.Vysotski, members of the Verkhnyadvinsk district election committee were summoned to the criminal investigation department. They were asked to give explanations regarding the committee's activity.

On 2 April, a rally and procession took place in Minsk city in protest against re-stationing nuclear weapons in Belarus (initiator of the action – the Belarusan Association of Young Politicians (BAYP)). The city authorities allowed to hold a meeting only on the Paris Commune square just in front of the Belarusan Opera and Ballet House. However, the people gathered on Yakub Kolas square. Anatol Lyabedzka, deputy of the 13th Supreme Soviet and head of BAYP, urged the participants to go towards the Opera and Ballet House - the allocated place for meeting. A number of arrests took place straight after the meeting came to an end. 20 people were taken into custody, there were also some teenagers from 12 to 14 years old among them. The detained were taken to the Soviet district Department of Internal Affairs, Minsk city. The teenagers were let go afterwards and the other 11 participants were kept in the investigation ward until the trial.

On 5 April, Anatol Barysenak, judge of the Central district court, gave a warning to Lyavon Sadowski. The court of Savetski district passed the verdict to impose a penalty upon the following people:

1. *Lyabedzka Anatol* (initiator of the action) - subject to administrative fine of 75 ml. Belarusan roubles (about USD 250);
2. *Kharkina Svyatlana* (Young Front, 19 years old) - subject to administrative warning;
3. *Lukoika Stanislaw* - subject to administrative fine of 10 ml. Belarusan roubles (about USD 35);
4. *Kaparykha Mikalai* - applied for an advocate and in this connection the trial was postponed until 6 April 1999 - subject to administrative fine of 10 ml. Belarusan roubles;
5. *Snapkouski Anatol* - administrative sentence for 5 days;
6. *Radkevich Uladzimer* (retired, 61 years old) – administrative warning;
7. *Slyshkin Uladzimir* - fine of 10 ml. Belarusan roubles;
8. *Auramenka Anton* – fine of 10 ml. Belarusan roubles;
9. *Rychard Karostsik* – fine of 10 ml. Belarusan roubles.

On 3 April, Valery Levaneuski, head of the Free Trade Union of Entrepreneurs, was detained in Grodna. He was summoned to head of the investigation department Straltsow in a witness capacity of V. Ganchar's case. The questioning was conducted by lieutenant-colonel of the militia Ubarevich, who urged V. Levaneuski to give him information concerning the activity of the Central Presidential Election Committee. V.Levaneuski was refused to make telephone calls, to leave home although the charge report on his arrest had not been drawn up. V.Levaneuski complained to head of the investigation agencies of the Grodzenskaya voblast Internal Affairs Department Anishchyn about illegal actions from the militia and received the following answer: «If you fail to sign the papers we'll put you in prison for 15 days».

On 5 April, teenager Stanislaw Karashchanka, who was beaten by some militiamen in plainclothes on 6 December 1998, received a refusal on his appeal from the Central district prosecutor's office, Minsk city. The following was stated in the refusal: «The prosecutor's office of Minsk city Central district has not found enough evidence proving that you have been subject to criminal offence. In connection with it you have been refused to take proceedings against the militiamen for assault and battery».



On 5 April, an accident happened in Magiliow city about 4 p.m. The body of Slavamir Ambruzhevich, member of social-democratic party «Narodnaya Gramada», was found in a building sand-pit. According to Valadar Tsurpanaw, human rights activist, the found body was with some skull's injuries. Moreover, agitation leaflets and money from his pocket were not stolen. The building sand-pit, where S.Ambruzhevich was found dead, is situated a long way from his house - in the opposite direction. S.Ambruzhevich is said to be the observer in one of the election constituencies during the local council's elections on Sunday, 4 April 1999. The militia refused to institute proceedings concerning this case. According to them S.Ambruzhevich was a victim of an accident but not of acts of violence. However, the party members connect S.Ambruzhevich's death with his political activity.

On 6 April, Anatol Snapkouski, participant of the antinuclear action on 2 April 1999, was refused to meet with the press in the investigation ward where he is currently being kept.

On 6 April, Genadz Karpenka, deputy chairman of the 13th Supreme Soviet and the United Civil Party, Doctor of Technical Sciences, academician of the Belarusan Engineer and Technical Academy, corresponding member of the National Academy of Sciences, head of the National Executive Committee, suddenly died.

On 6 April, Siargei Antonchyk, head of the Belarusan building committee, was detained at 8 a.m. in the town of Orsha. S.Antonchyk was on a one-day business trip in Orsha where he visited a number of local plants and enterprises. He had meetings with workers in order to organise a republican strike on 15 April 1999. He was delivered to the local

court and incriminated with holding an unauthorised meeting. The public prosecutor insisted on a 7-day term sentence for S.Antonchyk. All of a sudden it became known that Genadz Karpenka died. S.Antonchyk said to the judge that he would serve a 20-day sentence provided that the judge let him attend G.Karpenka's funeral. The judge agreed to free Antonchyk on condition that he would immediately return to the court after the funeral.

On 7 April, the wife of Mikhail Chygir - one of the candidates for presidential elections and who is currently being kept in custody, sent the General Prosecutor of the Republic of Belarus a statement. In that statement Yuliya Chygir denied the information spread in the official press that her husband was involved in theft of 1 million USD which was transacted into account of a Canadian firm.

On 7 April, Aleg Gruzdzilovich, news reporter from the independent newspaper «Naviny» (The News) was taken into the KGB headquarters for questioning. In the morning when Aleg Gruzdzilovich left home, 8 people in plainclothes approached him and after showing the KGB ID cards delivered him to the KGB. It worth mentioning that on 5 April Aleg Gruzdzilovich had already received summons to the KGB. On that very day A.Gruzdzilovich appeared at the KGB together with a well-known advocate in Belarus - Gary Paganyaila and said that he would only speak with the investigator in the presence of his advocate. Investigation officer for special affairs Genadz Gnyadzko refused to have such a talk. On 7 April, straight after A.Gruzdzilovich was delivered to the KGB, he was informed about being incriminated and that he should give the evidence as a witness. Aleg Gruzdzilovich refused to answer the questions without a juridical consultant referring to art. 62 of the Constitution of the RB which guarantees a juridical assistance in such cases. Apart from that, A.Gruzdzilovich refused to sign under the record where all his words were put down as well as to sign for «not divulging the details of the previous investigation». Maybe the reason of taking A.Gruzdzilovich to the KGB was connected with the article « The secret plan against the opposition» published in the newspaper «Naviny» on 19 March. The plan of counteractions against «the group of radical opposition leaders initiating the anti-presidential elections» was cited in that article. There were a lot of provisions in that document which plainly contradicted to the Constitution of the RB and violated the human rights. Thus, the KGB according to the plan should «take advantage of the situation in order to separate, break and blackmail the opposition».


Mikhail CHYGIR

Ex-head of the National Bank of Belarus Tamara Vinnikava escaped from house arrest late into *the night of 8 March 1999*. At the end of 1996 the legal proceedings were instituted against T. Vinnikava on the following charges: abuse of authority; official forgery; large scale embezzlement. On 14 January 1997 she was arrested and spent about 10 months in the KGB investigation ward. On 7 November 1997 T.Vinnikava was taken under house arrest because of her worsening health conditions. Since then her flat had been under constant observation of the KGB agents.

On 8 April, after escape of ex-head of the National Bank T.Vinnikava, Lyudmila Uliyashina, T.Vinnikava's advocate, was detained and taken to the Republic of Belarus prosecutor's office by the militia officers.

On 8 April, a 10-day sentence of ex-Prime Minister of Belarus, one of the candidates for presidential elections, Mikhail Chygir was over. Any further detention of M. Chygir under arrest without charging him would be unlawful. However, early morning on 8 April the investigation committee of the Ministry of Internal Affairs brought the official charge against M.Chygir. He was incriminated with breach of art. 91.4 (large scale embezzlement) and art. 166 (abuse of authority). By way of evidence of such «theft» was 1 million USD transferred into the bank account of a Canadian building firm as the advance for building an office of «Belagraprambank».

On 8 April, the court hearings of Central district, Minsk city took place. Pavel Karshunovich, vice-chairman of the court, examined M.Chygir's appeal regarding measures of his detention and ruled out that they would remain the same - under arrest. M.Chygir's wife - Yuliya Chygir (a lawyer by education) pleaded for him in court. A complaint was lodged on grounds that detention under arrest is only used in cases with dangerous criminals jeopardising the people's lives. The court rejected M.Chygir's appeal to change the measures of his detention and the prosecutor's office sanctioned his arrest for another 3 months. Thus, the candidate for presidential elections will stay in prison during the scheduled on 16 May 1999 presidential elections. Yuliya Chygir has been preparing new appeals against the decisions of the prosecuting and investigating authorities.

On 12 April, Valery Shchukin, deputy of the 13th Supreme Soviet, came voluntary to the Internal Affairs Department of Savetski District, Minsk city. He signed the report drawn up on him by the militia for taking part in the anti-nuclear rally on 2 April 1999. V.Shchukin was asked to go to court but he refused to do so even after some attempts to take him by force. Shchukin accused the authorities of the Internal Affairs Department of violating the law saying that his visit was of his own accord.

Then the authorities of the internal affairs department had to call up for the court secretary who drew up V. Shchukin summons to appear in court on 27 April 1999. After that V. Shchukin was dismissed.

On 13-14 April, S.Antonchyk, head of the Republican Strike Committee, stood trial in Orsha. Valyantsin Stefanovich and Uladzimir Padgol, public defenders of Human Rights Centre «Viasna-96», pleaded for S.Antonchyk in court. During the trial all witnesses, who at first confirmed that Syargei Antonchyk was the initiator of the rally, changed their evidence. According to them there was no rally but S.Antonchyk was only answering to the workers' questions at the entrance-office concerning low wages and the ways of their increasing. The judge found S.Antonchyk guilty for answering to the workers' questions and accused him of breaching art. 167.1 of the Administrative Code of RB (violation of the law about rallies). S.Antonchyk was fined (10 million Belarusan roubles).

On 15 April, the court trial over participants of the anti-nuclear rally on 2 April 1999 Yury Khadyka and Galina Kunina was postponed because of Judge Ludmila Savastsyan being taken to hospital. On 2 April, Y.Khadyka, deputy chairman of the BPF «Adradzhenne» , was on Yakub Kolas Square, from where the anti-nuclear rally began. From Yakub Kolas Square Y.Khadyka together with his wife, sister and friends went to Yanka Kupala theatre to watch the play called «Costumier». And on 14 April, the militia officers came to Y.Khadyka's flat and drew up a report for taking part in the unauthorised rally and procession and wanted to take him to court. But Y.Khadyka appealed for an advocate to plead for him in court so the trial was scheduled for 15 April at the militia department No 1 (near Kamarouski market). The trial of Galina Kunina was also scheduled on this day, who was severely beaten by the people in plainclothes during the anti-nuclear action and was in hospital with contusion of the brain until 9 April. «The trial is being postponed...», - said the judge while being taken by the ambulance.

The information department of «Viasna-96»

Alyaksey Shydlowski

Eighteen months in hell

I. *Isolation*

The action «The city is ours!» on July 2 1997 in Stawbtsy was, we may say, a success. White-red-white flags were soaring over the city and the walls of some buildings were decorated with patriotic and anti-presidential slogans. The only thing that went wrong was as follows: at the end of the action we were stopped. Valery Iliushyn, my former schoolmate, was coming home well-oiled late that night and lit me and my friends up with headlights of his car. Behind us, on the wall he saw inscription. Valery stopped and threatened us that he would file the police. At that time nobody paid attention to it but finally it happened exactly the same: at the trial Valery Iliushyn was the main witness...

...Coming back to Stawbtsy from Minsk on July 25 I couldn't even imagine that my house had been ambushed. 8 militiamen were carrying out a search, which was a real pogrom. On coming home I was staggered on the threshold: clothes and linen were thrown out of all the wardrobes, calendars were torn off the walls, there were books and different papers on the floor, in the corner there was a huge basket where they were throwing the discovered «evidence»: national flags, leaflets, brochures, books and cassettes in Belarusan. As it turned out later, they were looking for something different: containers with paint. But there were not anything.

I had been questioned for about 3 hours about the event at the night of July 2. I denied all charges. But once I was shown the minutes of interrogation of my ex-wife, Ina Pimenava and Iliushyn's testimony, my denial made no difference. I applied for the counsel for defence and was escorted to the cell in the custody centre. All further events I observed from prison. The «Stawbtsowsky case» began...

II. *Custody Centre, Stawbtsy.*

Earlier I spent 10 days in administrative detention (for celebrating the Constitution's Day), but anyway I was taken back at seeing the poverty at Stawbtsy custody centre where I was brought at 12 o'clock in the evening on July 25. I didn't even suspect the cell to be so tine. 2 by 3 metres. Two tiered beds and one more plank-bed in the corner. By the way, there wasn't any free space. Somewhere very high



there was a window. But the bars were so dense that the sunlight couldn't get into the cell. The two neighbouring cells were over-crowded, but I was kept alone. I got it later on when on the following day a talkative man appeared in the cell who was deeply interested in my case. They are called decoy ducks. Thanks God I realised it and didn't give way to his provocative questions. That incident taught me a lesson how to behave behind the bars: «Don't talk to anybody about the details of your case while the investigation is on».

Under the law a detective has to interrogate the suspected for the first time not later than 24 hours after his detention. But detective Yashkevich suddenly had another business: all counsels for defence at a distance of 50 km from Stawbtsy refused to defend me and if at 17 o'clock on July 26 detective Yashkevich had failed to find the defence – he would have had to release me. And he used cunning: he complained of counsels' fear and said that I had to write a paper saying that I will be defended as soon as I face the indictment. I signed this paper for the lack of experience. By doing it I deprived myself of freedom. Then I made another conclusion how to behave behind the bars: «Don't answer any questions of detectives or sign anything without the counsel for defence».

On the following day not least important and interesting events were expecting me. At about 3 o'clock I was brought for interrogation in the local KGB department. All the time they were pointing to the confiscated leaflets and threatened that in case I didn't away the rest, even some drastic measures would be taken against me. I strongly refused to give any evidence and later I was escorted to a big room where I saw a colonel from the Ministry of Internal Affairs. He was interested only in one thing. Whether those slogans were written for hooligan or ideological (political) reasons. At hearing that there were political ones, he walked quietly to the exit and in the doors he turned around and said «I sympathise with you, boy».

On that day on the platform of Stawbtsy railway station my friend Vadzim Labkovich, was arrested and put in the neighbouring cell. The case was set in motion. In addition, several searches had been carried out and dozens of local opposition activists had been interrogated for those 2 days in Stawbtsy district. The Stawbtsy militia with Lisavets as a head hadn't had such a chance to climb up the career ladder and to please the authorities for a long time, as there wasn't practically any crimes in the city. This very case from the very first day, as the detective and the head of District Department of Local Affairs put it, was under the - General prosecutor's and even president Lukashenka's control as Vadzim's and my files were to be brought to the waiting-room of the latter.

Meanwhile I was spending the third day in the custody centre and it was high time for the prosecutor to act – to formalise an arrest for 2 months. Still hoping for common sense I appealed to be released on condition not to leave the country.

The detective was preparing another trap for me. He took me in his own car, without handcuffs, without convoy, he had been going around the city for about an hour, making stop from time to time, leaving the car on the pretext of going shopping. I was left in Ford alone. With the keys, with open doors. Obviously they expected me to run, by doing so I would plead myself guilty. Assured that I had no intention to do it, Yashkevich took me back and Myadzvedz, deputy prosecutor, gave the document of arrest. Several times she called me a fascist and expressed the thought that gas chambers should be put in action again. The paper of arrest said that I had violated art. 201.2 (malicious hooliganism) and art. 186.2 (symbols defilement) but it was the least interesting. The most interesting was the first charge: «The honour and dignity of the first president of Belarus have been offended»...

(To be continued)

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